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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,357	02/28/2002	David A. Meckes	1174/146	6603

25297 7590 08/12/2003

JENKINS & WILSON, PA  
3100 TOWER BLVD  
SUITE 1400  
DURHAM, NC 27707

EXAMINER
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KOHNER, MATTHEW J.

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 08/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/085,357	MECKES ET AL.
	Examiner	Art Unit
	Matthew J Kohner	3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 22 May 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,9-13,16-18,21-24,27-32,35-37,39-42 and 44-46 is/are rejected.
- 7) Claim(s) 7,8,14-16,19,20,25,26,33,34,38 and 43 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### **Response to Amendment**

Upon review of applicant's request for reconsideration, the 103 rejection of claims 1-43 is withdrawn.

### ***Claim Objections***

Claim 16 is objected to because of the following informalities:

- Step (d) refers to itself instead of step (c).

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 9-13, 16-18, 21-24, 27-32, 35-37, 39-42 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,123,330 to Schaal.

In regard to claims 1, 9, 16, 21, 27-28, 29, 35-36, 37, 39-40, 44, 46 Schaal discloses a method for controlling a sheet feeding device. The disclosure teaches a method for monitoring resource units (sheets) which includes

- providing a group of sheets (See Fig. 1)

- determining a thickness of one or more resource units (Col. 1, lines 60+; Col. 2, lines 27+).
- determining when the group of sheets reaches a predetermined size after one or more of the resource units has been moved from the group and responsive to the determination of thickness in step (b) (Col. 2, lines 33+; Col. 2, lines 44+).

Schaal fails to disclose an indicator for indicating when the stack is at a predetermined height (i.e. when the separating blade is approaching position sensor), however indicators for stack height are well known in the art (See for example US Patent No 5,971,392 to Lee Col. 7, lines 16+). Therefore, it would be obvious to one of ordinary skill in the art to add this feature to Schaal's device.

In regard to claim 2, 10, 22, 30 and 45, Schaal's device is a mail conveyor.

In regard to claims 3, 11, 23, 31, 5, 13 and 17, Schaal appears to detect the size of the stack before any sheets are removed from the stack. Since the position sensors are constantly checking the position of the separating blade (Col. 2, lines 44+), Schaal would detect the size of the stack before and during the removal of the sheets.

In regard to claim 4, 12, 24, 32 Schaal discloses a sensor which detects when the size of the stack is less than a second predetermined size (See S2 in Fig. 1)

In regard to claim 6, 18 Schaal feeds the sheets from the bottom of the stack (See Fig. 1).

In regard to claim 41 and 42, Schaal discloses a main controller (HR).

***Allowable Subject Matter***

Claims 7-8, 14-15 and 19, 20, 25-26, 33-34, 38, 43 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Kohner whose telephone number is 703-305-8496. The examiner can normally be reached on Mon-Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
Matthew J. Kohner  
Examiner  
Art Unit 3653

MJK  
August 7, 2003

  
DONALD P. WALSH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600